

### **REMARKS**

Claims 1-3, 5, 7-10 and 12, 13 and 15-19 are pending in this application. By this amendment, claims 4, 6, 11 and 14 are canceled without prejudice to or disclaimer of the subject matter contained therein; and claims 1, 3, 5, 6, 10, 12, 13, 16 and 19 are amended. Reconsideration of the application is respectfully requested.

#### **Objection to the Claims**

Claim 19 is objected to due to typographical informalities. By this Amendment, the objection has been obviated. Withdrawal of the rejection is respectfully requested.

#### **Claims Rejections - 35 U.S.C. § 102**

Claims 1-4, 6-11 and 15-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hunzinger, U.S. Patent No. 2002/0045443. This rejection is respectfully traversed.

Initially, the rejection to claims 4, 6 and 11 have been rendered moot as these claims are canceled.

Hunzinger fails to disclose or suggest, *inter alia*, “activating a call recovery timer to detect an error condition ... wherein activating the call recover timer includes monitoring the current communication channel while establishing the new communication channel”, as recited in claim 1.

Instead, Hunzinger discloses that the mobile station MS will temporarily ignore further L2 failures if the MS does not receive proper acknowledgement after  $N_{lm}(=9)$  retransmissions. In other words, the MS will suspend retransmission of the message that failed acknowledgement (see reference character 90), and turn off the transmitter (see transmitter character 92). Once the MS transmitter in Hunzinger is turned off, the other user

will hear nothing from the MS (paragraph [0063]). However, Applicants' invention discloses monitoring the current communication channel while establishing the new communication channel, as recited in claim 1.

With regard to claim 10, as similarly discussed above, Huntzinger fails to disclose or suggest, "establishing a simultaneous communication channel while the call recovery timer is active; and searching the simultaneous communications channel while continuing to monitor the active communication channel".

With regard to claim 16, Applicants submit that Huntzinger fails to disclose or suggest, "monitoring the active channel while establishing the new channel".

Because Hunzinger fails to disclose each and every feature of the claimed invention, it cannot provide a basis for a rejection under 35 U.S.C. § 102.

Claims 2, 3, 7-9, 12, 13, 15 and 17-19 are allowable by virtue of their dependency on independent claims 1, 10 or 16. Withdrawal of the rejection is respectfully requested.

#### **Claims Rejections - 35 U.S.C. § 103**

Claims 5 and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of Pittampalli et al., US Patent Publication 2002/065080. This rejection is respectfully traversed.

Initially, claim 14 has been rendered moot as this claim is canceled.

Applicants submit that for at least for the reasons stated above with regard to claims 1 and 16, claims 5, 12 and 13 are also allowable over Hunzinger. Further, Pittampalli fails to overcome the deficiencies found in Hunzinger. Withdrawal of the rejection is respectfully requested.

For at least these reasons, Applicants respectfully submit that Hunzinger and Pittampalli, individually or in combination, fail to disclose or render obvious the features

recited in independent claims 1, 10 and 16. Claims 2, 3, 5, 7-9, 12, 13, 15 and 17-19 which depend from the independent claims, are likewise distinguished over the prior art for at least the reasons discussed as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

### CONCLUSION

In view of the above amendments and remarks, reconsideration of the various objections and rejections and allowance of claims 1-3, 5, 7-10 and 12, 13 and 15-19 is respectfully requested.

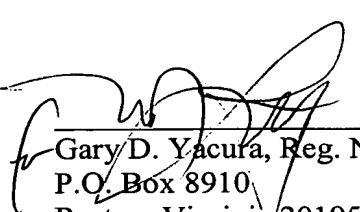
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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